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Annual report of the International Tribunal for the Law of the Sea for 2017

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I. Introduction

1. The present report of the International Tribunal for the Law of the Sea is submitted to the Meeting of States Parties under rule 6, paragraph 3(d), of the Rules of Procedure for Meetings of States Parties and covers the period from 1 January to 31 December 2017.

2. The Tribunal was established by the 1982 United Nations Convention on the Law of the Sea. It functions in accordance with the relevant provisions of part XV and part XI of the Convention, the Statute of the Tribunal, as contained in annex VI to the Convention, and the Rules of the Tribunal.

II. Organization of the Tribunal

3. The Tribunal is composed of 21 members, elected by the States parties to the Convention in the manner provided for in article 4 of the Statute.

4. In accordance with article 5, paragraph 1, of the Statute, the terms of office of seven members expired on 30 September 2017.

5. On 15 September 2016, Judge Cachapuz de Medeiros (Brazil), one of the members whose term of office was to expire on 30 September 2017, passed away. With his death, a vacancy occurred in the Tribunal. Taking this change into account, until 30 September 2017, the composition of the Tribunal was as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President		
Vladimir Vladimirovich Golitsyn	Russian Federation	30 September 2017
Vice-President		
Boualem Bouguetaia	Algeria	30 September 2017
Judges		
P. Chandrasekhara Rao	India	30 September 2017
Joseph Akl	Lebanon	30 September 2017
Rüdiger Wolfrum	Germany	30 September 2017
Tafsir Malick Ndiaye	Senegal	30 September 2020
Jose Luis Jesus	Cabo Verde	30 September 2017
Jean-Pierre Cot	France	30 September 2020
Anthony Amos Lucky	Trinidad and Tobago	30 September 2020
Stanislaw Pawlak	Poland	30 September 2023
Shunji Yanai	Japan	30 September 2023
James L. Kateka	United Republic of Tanzania	30 September 2023
Albert J. Hoffmann	South Africa	30 September 2023

Order of precedence	*Country*	*Date of expiry of term of office*
Zhiguo Gao	China	30 September 2020
Jin-Hyun Paik	Republic of Korea	30 September 2023
Elsa Kelly	Argentina	30 September 2020
David Joseph Attard	Malta	30 September 2020
Markiyan Z. Kulyk	Ukraine	30 September 2020
Alonso Gómez-Robledo Verduzco	Mexico	30 September 2023
Tomas Heidar	Iceland	30 September 2023

6. Further to the triennial election, which took place in June 2017, the composition of the Tribunal since 1 October 2017 has been as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President		
Jin-Hyun Paik	Republic of Korea	30 September 2023
Vice-President		
David Joseph Attard	Malta	30 September 2020
Judges		
Tafsir Malick Ndiaye	Senegal	30 September 2020
José Luis Jesus	Cabo Verde	30 September 2026
Jean-Pierre Cot	France	30 September 2020
Anthony Amos Lucky	Trinidad and Tobago	30 September 2020
Stanislaw Pawlak	Poland	30 September 2023
Shunji Yanai	Japan	30 September 2023
James L. Kateka	United Republic of Tanzania	30 September 2023
Albert J. Hoffmann	South Africa	30 September 2023
Zhiguo Gao	China	30 September 2020
Boualem Bouguetaia	Algeria	30 September 2026
Elsa Kelly	Argentina	30 September 2020
Markiyan Z. Kulyk	Ukraine	30 September 2020
Alonso Gómez-Robledo Verduzco	Mexico	30 September 2023
Tomas Heidar	Iceland	30 September 2023
Oscar Cabello Sarubbi	Paraguay	30 September 2026

Order of precedence	*Country*	*Date of expiry of term of office*
Neeru Chadha	India	30 September 2026
Kriangsak Kittichaisaree	Thailand	30 September 2026
Roman A. Kolodkin	Russian Federation	30 September 2026
Liesbeth Lijnzaad	Netherlands	30 September 2026

7. The Registrar of the Tribunal is Philippe Gautier (Belgium). The Deputy Registrar is Ximena Hinrichs Oyarce (Chile).

A. Changes in the composition of the Tribunal

1. Election of seven members of the Tribunal

8. The triennial election to fill the positions of seven members whose terms of office expired on 30 September 2017 took place during the twenty-seventh Meeting of States Parties, held from 12 to 16 June 2017.

9. Acting pursuant to article 4, paragraph 2, of the Statute, the Registrar, in a note verbale dated 14 December 2016, invited the States Parties to the Convention to submit within the two-month period from 9 January to 10 March 2017 the names of candidates they might wish to nominate for election as members of the Tribunal. An alphabetical list of all persons nominated, with an indication of the States parties having nominated them, was then prepared by the Registrar and submitted to the States parties as document SPLOS/308 of 15 March 2017. In addition, a list of nominations was made accessible through the website of the Tribunal (www.itlos.org (English) and www.tidm.org (French)).

10. On 14 June 2017, the twenty-seventh Meeting of States Parties re-elected Judges Bouguetaia and Jesus, and elected Oscar Cabello Sarubbi, Neeru Chadha, Kriangsak Kittichaisaree, Roman Kolodkin and Liesbeth Lijnzaad.

2. Solemn declaration

11. Pursuant to article 11 of the Statute, every member of the Tribunal is required, before taking up his/her duties, to make a solemn declaration that he/she will exercise his/her powers impartially and conscientiously.

12. The solemn declaration provided for in article 5 of the Rules was made by newly elected Judges Cabello, Chadha, Kittichaisaree, Kolodkin and Lijnzaad at a public sitting of the Tribunal on 2 October 2017.

B. Election of the President and the Vice-President

13. On 2 October 2017, the judges elected Judge Jin-Hyun Paik President of the Tribunal and Judge David Joseph Attard Vice-President, for a term of three years. The President and the Vice-President entered upon their functions forthwith.

C. Election of the Deputy Registrar

14. On 15 March 2017, the Tribunal elected Ximena Hinrichs Oyarce (Chile) as Deputy Registrar of the Tribunal for a term of five years starting on 25 June 2017.

III. Chambers

A. Seabed Disputes Chamber

15. In accordance with article 35, paragraph 1, of the Statute, the Seabed Disputes Chamber consists of 11 judges selected by the Tribunal from among its elected members. The members of the Chamber are selected triennially.

16. Pursuant to article 23 of the Rules, the terms of office of members selected on 2 October 2014 expired on 30 September 2017. Until that date the composition of the Chamber, in order of precedence, was as follows: Judge Jesus, President; Judges Akl, Ndiaye, Cot, Lucky, Pawlak, Yanai, Kateka, Paik, Kelly and Attard, members.

17. During the forty-fourth session, on 4 October 2017, the Tribunal selected the members of the Seabed Disputes Chamber. As required by the Statute, the judges of the Chamber were selected in such a manner as to ensure the representation of the principal legal systems of the world and equitable geographical distribution. The members of the Chamber entered upon their duties forthwith and elected Judge Hoffmann President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Hoffmann, President; Judges Cot, Lucky, Pawlak, Yanai, Kateka, Gao, Bouguetaia, Kelly, Kulyk and Heidar, members.

18. The terms of office of the members of the Chamber expire on 30 September 2020.

B. Special chambers

1. Chamber of Summary Procedure

19. The Chamber of Summary Procedure is established in accordance with article 15, paragraph 3, of the Statute and consists of five members and two alternates. The Chamber is constituted annually.

20. During the forty-fourth session, on 4 October 2017, the Chamber was constituted for the period from 1 October 2017 to 30 September 2018. The members of the Chamber, in order of precedence, are as follows: Judge Paik, President (ex officio); Vice-President Attard (ex officio) and Judges Ndiaye, Cot and Kelly, members; Judges Kolodkin and Lijnzaad, alternates.

2. Chamber for Fisheries Disputes

21. On 20 February 1997, the Tribunal established the Chamber for Fisheries Disputes in accordance with article 15, paragraph 1, of the Statute.

22. The terms of office of the members of the Chamber selected on 2 October 2014 expired on 30 September 2017. On 15 September 2016, Judge Cachapuz de Medeiros, who was a member of the Chamber, passed away. Taking that change into account, until 30 September 2017 the composition of the Chamber, in order of precedence, was as follows: Judge Lucky, President; Judges Wolfrum, Ndiaye, Yanai, Kateka, Gao, Kulyk and Heidar, members.

23. During the forty-fourth session, on 4 October 2017, the Tribunal selected the members of the Chamber for a three-year term. The members of the Chamber entered upon their duties forthwith and elected Judge Heidar President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Heidar, President; Judges Jesus, Lucky, Yanai, Hoffmann, Cabello Sarubbi, Chadha, Kittichaisaree and Kolodkin, members.

24. The terms of office of the members of the Chamber expire on 30 September 2020.

3. Chamber for Marine Environment Disputes

25. On 20 February 1997, the Tribunal established the Chamber for Marine Environment Disputes in accordance with article 15, paragraph 1, of the Statute.

26. The terms of office of the members of the Chamber selected on 2 October 2014 expired on 30 September 2017. Until that date the composition of the Chamber, in order of precedence, was as follows: Judge Kateka, President; Judges Pawlak, Hoffmann, Gao, Paik, Kelly, Attard, Kulyk and Gómez-Robledo, members.

27. During the forty-fourth session, on 4 October 2017, the Tribunal selected the members of the Chamber for a three-year term. The members of the Chamber entered upon their duties forthwith and elected Judge Pawlak President of the Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Pawlak, President; Judges Ndiaye, Gao, Kelly, Kulyk, Gómez-Robledo, Cabello Sarubbi, Chadha and Lijnzaad, members.

28. The terms of office of the members of the Chamber expire on 30 September 2020.

4. Chamber for Maritime Delimitation Disputes

29. On 16 March 2007, the Tribunal established the Chamber for Maritime Delimitation Disputes in accordance with article 15, paragraph 1, of the Statute.

30. The terms of office of the members of the Chamber selected on 2 October 2014 expired on 30 September 2017. Until that date the composition of the Chamber, in order of precedence, was as follows: Judge Golitsyn, President; Judges Bouguetaia, Chandrasekhara Rao, Wolfrum, Ndiaye, Jesus, Yanai, Hoffmann, Gao, Gómez-Robledo and Heidar, members.

31. During the forty-fourth session, on 4 October 2017, the Tribunal selected the members of the Chamber for a three-year term. The members of the Chamber entered upon their duties forthwith. The composition of the Chamber, in order of precedence, is as follows: Judge Paik, President (ex officio); Vice-President Attard; Judges Jesus, Kateka, Bouguetaia, Gómez-Robledo, Chadha, Kittichaisaree, Kolodkin and Lijnzaad, members.

32. The terms of office of the members of the Chamber expire on 30 September 2020.

IV. Committees

33. During the forty-fourth session, on 4 October 2017, the Tribunal reconstituted its committees. They are composed as follows:[1]

A. Committee on Budget and Finance

34. The members of the Committee on Budget and Finance are: Judge Yanai, Chairman; Judges Jesus, Pawlak, Hoffmann, Gao, Bouguetaia, Kulyk, Gómez-Robledo and Cabello Sarubbi, members.

[1] For the terms of reference of the committees, see SPLOS/27, paras. 37–40; SPLOS/50, paras. 36–37; and SPLOS/136, para. 46.

B. Committee on Rules and Judicial Practice

35. The members of the Committee on Rules and Judicial Practice are: President Paik, Chairman; Vice-President Attard, Judges Ndiaye, Jesus, Cot, Gómez-Robledo, Heidar, Chadha and Lijnzaad, members.

C. Committee on Staff and Administration

36. The members of the Committee on Staff and Administration are: Judge Jesus, Chairman; Judges Lucky, Yanai, Hoffmann, Heidar and Kolodkin, members.

D. Committee on Library, Archives and Publications

37. The members of the Committee on Library, Archives and Publications are: Judge Gao, Chairman; Judges Ndiaye, Pawlak, Kateka, Gómez-Robledo and Kolodkin, members.

E. Committee on Buildings and Electronic Systems

38. The members of the Committee on Buildings and Electronic Systems are: Judge Kulyk, Chairman; Judges Cot, Lucky, Kateka, Kelly and Kittichaisaree, members.

F. Committee on Public Relations

39. The members of the Committee on Public Relations are: Judge Heidar, Chairman; Judges Cabello Sarubbi, Chadha, Kittichaisaree, and Lijnzaad, members.

V. Meetings of the Tribunal

40. In 2017, judicial meetings of the Tribunal took place as follows:

Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)

Initial deliberations of the Special Chamber constituted to deal with the case were held on 2 and 3 February 2017. The oral proceedings took place from 6 to 16 February 2017 and the Special Chamber met for deliberations from 23 February to 3 March 2017.

The Special Chamber met from 26 June to 5 July 2017 and on 14, 15 and 21 September 2017 to consider and adopt the draft judgment. The Special Chamber delivered its judgment on 23 September 2017.

41. The Tribunal also held two sessions devoted to legal and judicial matters as well as organizational and administrative matters: the forty-third session was held from 13 to 24 March 2017, and the forty-fourth session from 25 September to 6 October 2017.

42. The Tribunal decided to hold its forty-fifth session from 12 to 23 March 2018, to deal with legal and judicial matters and with organizational and administrative matters.

VI. Judicial work of the Tribunal

A. *The M/V "Norstar" Case (Panama v. Italy)*

43. On 17 December 2015, Panama filed an application with the Tribunal dated 16 November 2015 instituting proceedings against Italy in a dispute between the two States concerning the interpretation and application of the Convention "in connection with the arrest and detention by Italy of *M/V Norstar*, an oil tanker registered under the flag of Panama". The case was entered in the list of cases of the Tribunal as case No. 25.

44. On 3 February 2016, the President adopted an order fixing 28 July 2016 as the time-limit for the filing of the memorial by Panama, and 28 January 2017 as the time-limit for the filing of the counter-memorial by Italy.

45. On 11 March 2016, within the time-limit set by article 97, paragraph 1, of the Rules, Italy filed with the Tribunal "written preliminary objections under article 294, paragraph 3, of the Convention", in which Italy challenged "the jurisdiction of [the] Tribunal as well as the admissibility of Panama's claim".

46. Upon receipt of the preliminary objections by the Registry, the proceedings on the merits were suspended, pursuant to article 97, paragraph 3, of the Rules.

47. The Tribunal delivered its judgment on the preliminary objections on 4 November 2016.[2]

48. On 29 November 2016, the President, having ascertained the views of the parties, adopted an order fixing 11 April 2017 as the time-limit for the filing of the memorial of Panama, and 11 October 2017 as the time-limit for the filing of the counter-memorial of Italy. The pleadings were filed within the prescribed time-limits.

49. On 15 November 2017, the Tribunal adopted an order fixing 28 February 2018 as the time-limit for the filing of the reply of Panama, and 13 June 2018 as the time-limit for the filing of the rejoinder of Italy.

B. *Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)*

50. On 3 December 2014, a special agreement was concluded between Ghana and Côte d'Ivoire to submit the dispute concerning the delimitation of their maritime boundary in the Atlantic Ocean to a special chamber of the Tribunal to be formed pursuant to article 15, paragraph 2, of the Statute. The Registrar was notified of the special agreement on the same date. The case was entered in the Tribunal's list of cases as case No. 23.

51. By order dated 12 January 2015, the Tribunal constituted the special chamber as follows: Judge Bouguetaia, President; Judges Wolfrum and Paik, and Judges ad hoc Thomas Mensah and Ronny Abraham, members.

52. On 24 February 2015, the President of the Special Chamber adopted an order fixing 4 September 2015 as the time-limit for the filing of the memorial by Ghana, and 4 April 2016 as the time-limit for the filing of the counter-memorial by Côte

[2] A summary of the judgment on preliminary objections of 4 November 2016 is contained in paragraphs 50 to 59 of the annual report of the International Tribunal for the Law of the Sea for 2016 (SPLOS/304).

d'Ivoire. The memorial and the counter-memorial were filed within the prescribed time-limits.

53. On 27 February 2015, Côte d'Ivoire filed a request for the prescription of provisional measures by the Special Chamber in accordance with article 290, paragraph 1, of the Convention. The Special Chamber delivered its order on 25 April 2015.

54. On 16 March 2016, the Special Chamber adopted an order authorizing the submission of a reply by Ghana and a rejoinder by Côte d'Ivoire and fixing 4 July and 4 October 2016, respectively, as the time-limits for the filing of the pleadings.

55. Subsequently, by order dated 25 April 2016, the President of the Special Chamber extended the time-limits for the submission of the reply and the rejoinder to 25 July and 14 November 2016, respectively. The reply and the rejoinder were filed within the extended time-limits.

56. On 15 December 2016, the President of the Special Chamber adopted an order fixing 6 February 2017 as the date for the opening of the oral proceedings in the case. Oral proceedings were held from 6 to 16 February 2017, in nine public sittings.

57. The Special Chamber delivered its judgment on 23 September 2017. In its judgment, the Special Chamber delimited the maritime boundary between the two parties in the territorial sea, the exclusive economic zone and the continental shelf, including the continental shelf beyond 200 nautical miles. In addition, the Chamber dealt with Côte d'Ivoire's claim that the responsibility of Ghana was engaged for alleged violations of the rights of Côte d'Ivoire.

58. The first question that the Special Chamber had to examine was "whether the Parties ha[d] already effected by agreement the course of their maritime boundary" (see para. 100 of the judgment). Ghana was of the view that a tacit agreement did exist on the basis of, inter alia, the parties' "oil practice" for more than five decades (see para. 113). This contention was opposed by Côte d'Ivoire (see para. 114). After examining the arguments and facts presented by the parties, the Special Chamber found that "there is no tacit agreement between the Parties to delimit their territorial sea, exclusive economic zone and continental shelf both within and beyond 200 nm" (see para. 228).

59. The Special Chamber expressed the view that "evidence relating solely to the specific purpose of oil activities in the seabed and subsoil is of limited value in proving the existence of an all-purpose boundary which delimits not only the seabed and subsoil but also superjacent water columns" (see para. 226).

60. Regarding the delimitation methodology, the Special Chamber found "no convincing reason to deviate ... from the equidistance-relevant circumstances methodology" (see para. 324). While Côte d'Ivoire had argued in favour of the application of the "angle bisector methodology" (see para. 291), the Special Chamber noted that the relevant coasts of the parties were straight and not unstable, and, therefore, it saw no reason to assume that the identification of base points and the drawing of a provisional equidistance line would be impossible or inappropriate (see paras. 302 and 318).

61. After having established the provisional equidistance line, the Special Chamber examined "whether relevant circumstances requiring an adjustment of ... [that] line ... exist", (see para. 402) and came to a negative conclusion (see para. 480).

62. Regarding a possible cut-off resulting from the equidistance line, the Special Chamber held that "some cut-off effect exists to the detriment of Côte d'Ivoire" (see para. 424) but that this effect is "not so significant" as to require an adjustment of the line (see paragraph 425). It held, in particular, that the cut-off only affects a part of

the coast of Côte d'Ivoire and only comes into being 163 nm from the starting point of the equidistance line (see paragraph 424).

63. With respect to the question as to whether the location of maritime mineral resources should be considered a relevant circumstance, the Special Chamber emphasized that "[m]aritime delimitation is not a means for distributing justice" (see paragraph 452) and that the pertinent international jurisprudence, "at least in principle, favours maritime delimitation which is based on geographical considerations" and "[o]nly in extreme situations ... may considerations other than geographical ones become relevant" (see paragraph 453).

64. Regarding the delimitation of the continental shelf beyond 200 nautical miles, the Special Chamber applied the same delimitation methodology as within 200 nm (see para. 526).

65. After having delimited the maritime boundary between the parties, the Special Chamber had to deal with Côte d'Ivoire's claim relating to Ghana's international responsibility. Côte d'Ivoire argued that Ghana's conduct in the disputed part of the continental shelf had violated Côte d'Ivoire's sovereign rights as well as article 83 of the Convention and the provisional measures prescribed by the Special Chamber in its order of 25 April 2015 (see para. 544). The Special Chamber, however, came to the conclusion that none of Ghana's activities engaged its international responsibility.

66. In order to reach this conclusion, the Special Chamber provided some clarification of the interpretation of article 83, paragraph 3, of the Convention. This provision contains two obligations incumbent upon States that are parties to a delimitation dispute, namely, the obligation to "make every effort to enter into provisional arrangements of a practical nature" and the obligation "not to jeopardize or hamper the reaching of the final agreement". The Special Chamber pointed out that both obligations are obligations of conduct (see para. 627 and 629). Thus, the States concerned are not obliged to reach an agreement on provisional arrangements; however, they are under a duty to act in good faith (see para. 627). In this respect, the Special Chamber emphasized the general obligation under article 83, paragraph 3, whereby, in the transitional period, States have to act "in a spirit of understanding and cooperation" (see para. 630).

67. The operative provisions of the Special Chamber's judgment of 23 September 2017 are set out below.

> The Special Chamber
>
> (1) Unanimously,
>
> *Finds* that it has jurisdiction to delimit the maritime boundary between the Parties in the territorial sea, in the exclusive economic zone and on the continental shelf, both within and beyond 200 nm.
>
> (2) Unanimously,
>
> *Finds* that there is no tacit agreement between the Parties to delimit their territorial sea, exclusive economic zone and continental shelf both within and beyond 200 nm, and *rejects* Ghana's claim that Côte d'Ivoire is estopped from objecting to the "customary equidistance boundary".
>
> (3) Unanimously,
>
> *Decides* that the single maritime boundary for the territorial sea, the exclusive economic zone and the continental shelf within and beyond 200 nm starts at BP 55+ with the coordinates 05° 05' 23.2" N, 03° 06' 21.2" W in WGS 84 as a geodetic datum and is defined by turning points A, B, C, D, E, F with the following coordinates and connected by geodetic lines:

A: 05° 01' 03.7" N 03° 07' 18.3" W
B: 04° 57' 58.9" N 03° 08' 01.4" W
C: 04° 26' 41.6" N 03° 14' 56.9" W
D: 03° 12' 13.4" N 03° 29' 54.3" W
E: 02° 59' 04.8" N 03° 32' 40.2" W
F: 02° 40' 36.4" N 03° 36' 36.4" W

From turning point F, the single maritime boundary continues as a geodetic line starting at an azimuth of 191° 38' 06.7" until it reaches the outer limits of the continental shelf.

(4) Unanimously,

Finds that it has jurisdiction to decide on the claim of Côte d'Ivoire against Ghana on the alleged international responsibility of Ghana.

(5) Unanimously,

Finds that Ghana did not violate the sovereign rights of Côte d'Ivoire.

(6) Unanimously,

Finds that Ghana did not violate article 83, paragraphs 1 and 3, of the Convention.

(7) Unanimously,

Finds that Ghana did not violate the provisional measures prescribed by the Special Chamber in its Order of 25 April 2015.

VII. Legal matters

68. During the period under review, the Tribunal devoted part of its two sessions to the consideration of legal and judicial matters. In this respect, the Tribunal examined various legal issues of relevance to its jurisdiction, its Rules and its judicial procedures. The review was undertaken both by the Tribunal and by its chambers. Some of the subjects considered are noted below.

A. Jurisdiction, Rules and judicial procedures of the Tribunal

1. Declarations made under articles 287 and 298 of the Convention

69. During the period under review, the Tribunal took note of the information presented by the Registry concerning the status of declarations made under articles 287 and 298 of the Convention.

2. Rules of the Tribunal

70. During the period under review, the Tribunal examined issues relating to the publication of initial reports submitted by parties in provisional measures proceedings before the Tribunal, on the basis of an information paper prepared by the Registry.

B. Recent developments in law of the sea matters

71. During the period under review, the Tribunal considered reports prepared by the Registry concerning recent developments in law of the sea matters.

C. Chambers

72. During the period under review, the Chambers of the Tribunal held meetings in which they considered reports prepared by the Registry on matters falling under their responsibilities.

VIII. Twentieth anniversary of the Tribunal

73. In addition to a series of events organized in 2016 to celebrate the Tribunal's twentieth anniversary, on 18 March 2017, a further symposium on the theme "ITLOS at 20: looking into the future" was held at the Tribunal. The following made statements on the occasion: the President of the Tribunal, Vladimir Golitsyn; the Secretary-General of the Seabed Authority, Michael Lodge; the Director of the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat, Gabriele Goettsche-Wanli; a representative of the Legal Service of the European Commission, Esa Paasivirta; Judge Tomas Heidar; and a professor at Nagoya University, Yukari Takamura. The symposium also included a round table discussion on the topic "A user-friendly Tribunal in the service of the international community", presided by Judge Shunji Yanai, with the participation of Judge José Luis Jesus and the Registrar, Philippe Gautier. A webcast of the symposium is available in the twentieth anniversary section of the Tribunal's website. The symposium was made possible with the financial support of the Government of Japan.

IX. Agreement on Privileges and Immunities

74. The Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea was adopted by the seventh Meeting of States Parties on 23 May 1997. The Agreement was opened for signature for 24 months as from 1 July 1997 (SPLOS 24, para. 27) and entered into force on 30 December 2001, 30 days after the date of deposit of the tenth instrument of ratification or accession. As at 31 December 2017, 41 States had ratified or acceded to it.

X. Relations with the United Nations

75. At the 63rd plenary meeting of the seventy-second session of the General Assembly, on 5 December 2017, the President of the Tribunal delivered a statement under agenda item 77 (a), "Oceans and the law of the sea".[1] In his statement, the President gave an overview of the role played by the Tribunal in exercising its contentious jurisdiction and noted, in particular, that the Tribunal had demonstrated its capacity to deal with complex maritime delimitation cases. The President also offered some remarks about the future work of the Tribunal, highlighting maritime delimitation, the arrest and detention of vessels and the Tribunal's potential role in the peaceful settlement of disputes concerning emerging issues relating to the law of the sea.

XI. Relations with other organizations and bodies

76. During the period under review, on 31 August 2017, a memorandum of understanding on cooperation was concluded between the Tribunal and the GEOMAR

[1] The text of the statement is available on the Tribunal's website, http://www.itlos.org or http://www.tidm.org.

Helmholtz Centre for Ocean Research, Kiel, Germany. The memorandum of understanding provides for close cooperation between the two institutions and for the regular exchange of information on matters of mutual interest, in particular for the transmission of information by GEOMAR to the Tribunal on technical matters in the field of marine sciences.

XII. Headquarters Agreement

77. The Headquarters Agreement between the Tribunal and the Government of the Federal Republic of Germany was signed on 14 December 2004. In addition, the Agreement between the Tribunal and the Government of the Federal Republic of Germany on the Occupancy and Use of the Premises of the International Tribunal for the Law of the Sea in the Free and Hanseatic City of Hamburg was concluded on 18 October 2000.

78. During the period under review the Registry, in cooperation with the Federal Building Authorities of Germany, made several improvements to the Tribunal's equipment and systems, in particular, the replacement of the control system for the grounds protection system.

XIII. Finances

A. Budgetary matters

1. Budget of the Tribunal for 2019–2020

79. During the forty-fourth session of the Tribunal, the Committee on Budget and Finance gave preliminary consideration to the budget of the Tribunal for the financial period 2019–2020 on the basis of draft proposals submitted by the Registrar.

2. Report on budgetary matters for the financial period 2015–2016

80. At its forty-third session, the Tribunal considered the report presented by the Registrar on budgetary matters for the financial period 2015–2016. The report, which was submitted to the twenty-seventh Meeting of States Parties for its consideration (SPLOS/306), included the following: the performance report for 2015–2016; and a report on action taken pursuant to the Financial Regulations of the Tribunal (the surrender of cash surplus from the financial period 2013–2014, the Tribunal's investments, and the trust funds established pursuant to regulation 6.5 of the Financial Regulations of the Tribunal).

3. Cash flow situation

81. At its forty-third and forty-fourth sessions, the Tribunal took note of the information presented by the Registrar concerning the cash flow situation of the Tribunal.

B. Status of contributions

82. As at 31 December 2017, 119 States parties had made contributions to the 2017–2018 budget, totalling €12,733,885, while 49 States parties had not made any payments with respect to their assessed contributions for 2017–2018. The balance of unpaid contributions with respect to 2017 was €896,255. An amount of €3,070,191 was credited against the assessed contributions for 2018.

83. Furthermore, assessed contributions amounting to €658,964 in respect of the Tribunal's budgets for the financial periods 1996–1997 to 2015–2016 were still pending as at 31 December 2017.

84. The balance of unpaid contributions with respect to the overall budget of the Tribunal amounted to €1,555,188 as at 31 December 2017. In July 2017, the Registrar sent the States parties notes verbales concerning their assessed contributions, for 2018, to the Tribunal's 2017–2018 budget, and containing information about outstanding contributions to the previous budgets. In December 2017, notes verbales were sent to the States parties concerned, reminding them of their outstanding contributions to the budgets of the Tribunal.

C. Financial Regulations and Rules

85. The Financial Regulations of the Tribunal, adopted by the thirteenth Meeting of States Parties on 12 June 2003, became effective on 1 January 2004.[4]

86. Pursuant to financial regulation 10.1(a), the Tribunal, at its seventeenth session, approved the Financial Rules, which were submitted to the fourteenth Meeting of States Parties for its consideration. The Meeting took note of the Financial Rules of the Tribunal, which, according to rule 114.1, became effective on 1 January 2005.[5]

87. Pursuant to financial regulation 12.1, the twenty-sixth Meeting of States Parties appointed BDO as the Tribunal's auditor for the financial periods 2017–2018 and 2019–2020.

D. Report of the auditor for 2015–2016

88. The results of the audit for the financial period 2015–2016 were presented by the Registrar at the forty-third session of the Tribunal. The Committee on Budget and Finance noted the auditor's opinion that the financial statements for the financial period 2015–2016 had been prepared, in all material respects, in accordance with the Financial Regulations and Rules of the Tribunal. The Tribunal took note of the audit report for 2015–2016 (SPLOS/305) and requested that the report be submitted to the twenty-seventh Meeting of States Parties. The twenty-seventh Meeting of States Parties took note with satisfaction of the report of the external auditor (SPLOS/316, para. 32).

E. Trust funds and donations

89. On the basis of resolution 55/7 on "Oceans and the law of the sea" adopted by the General Assembly on 30 October 2000, a voluntary trust fund has been established by the Secretary-General to assist States in connection with disputes to be settled by the Tribunal. According to information provided by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations Secretariat, the financial statements of the trust fund showed a balance of $155,738 as at 31 December 2017.

90. In addition, the Registrar has established the following trust funds pursuant to regulation 6.5 of the Financial Regulations of the Tribunal: the Nippon Foundation

[4] Financial Regulations, regulation 14.1.

[5] The Financial Regulations and Rules of the Tribunal are contained in document SPLOS/120.

trust fund, the trust fund for the Law of the Sea, the China Institute of International Studies trust fund and the twentieth anniversary trust fund.

91. The Nippon Foundation trust fund was established in 2007, further to a grant provided that year by the Nippon Foundation to fund the participation of fellows in a capacity-building and training programme on dispute settlement under the Convention. For the period 2007–2017, the Nippon Foundation made 11 contributions to the grant. As at 31 December 2017, the balance of total reserves stood at €361,235.

92. In 2010, pursuant to a decision of the Tribunal at its twenty-eighth session, the trust fund for the Law of the Sea was established. Its terms of reference were adopted by the Tribunal and submitted for consideration to the twentieth Meeting of States Parties. The trust fund is intended to promote human resources development in developing countries in the law of the sea and maritime affairs in general. Contributions made to the trust fund are used to provide applicants from developing countries with financial assistance to enable them to participate in the Tribunal's internship programme and the summer academy. States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, are invited to make voluntary financial or other contributions to the trust fund. For the period 2010–2016, contributions to the trust fund were made by the Korea Maritime Institute in the amount of €141,000 and by Korwind in the amount of €25,000. In 2017, the Korea Maritime Institute made three further contributions in the amount of €4,482, €15,000 and €25,000 to be used to support the internship programme and the regional workshop held in San José. In December 2017, the Government of China made a contribution in the amount of €150,000 to provide financial assistance to applicants from developing countries for their participation in the internship programme and the summer academy. As at 31 December 2017, the balance of total reserves stood at €197,876.

93. In 2012, the China Institute of International Studies provided a grant, in the amount of €100,000, to finance training activities of the Tribunal, including regional workshops, and to provide grants to participants from developing countries in the internship programme and the summer academy. As at 31 December 2017, the balance of total reserves stood at €15,374.

94. In 2015, at its fortieth session, the Tribunal approved the terms of reference for the twentieth anniversary trust fund. In total, four contributions were received: two contributions of €25,000 each from the Korea Maritime Institute in May 2016 and July 2016; a contribution of €109,443 from the Government of Japan in July 2016; and a contribution of €7,000 from the Government of Germany in December 2016. The funds of the twentieth anniversary trust fund were fully utilized and the bank account opened for it was closed in 2017. The final report of the twentieth anniversary trust fund will be included in the 2017–2018 financial statements of the Tribunal.

XIV. Administrative matters

95. During the period under review, the committees of the Tribunal considered various administrative matters within the scope of their activities. Reference to some of the matters considered is made in the subsequent paragraphs.

A. Staff Regulations and Staff Rules

96. During the period under review, the Tribunal approved the recommendations of the Committee on Staff and Administration regarding amendments to the Staff

Regulations of the Tribunal to be made as a result of unifying the salary scale for staff in the Professional and higher categories as approved by the General Assembly. Amendments to the Staff Regulations concerning the salary scale for staff in the Professional and higher categories were also approved, in order to ensure compatibility between the Staff Regulations of the Tribunal and the United Nations common system of salaries, allowances and benefits, pursuant to regulation 12.6 of the Staff Regulations.

97. During the period under review, in the light of the recommendation of the Committee on Staff and Administration, the Tribunal took note of the amendments to the Staff Rules of the Tribunal made as a result of the adoption by the United Nations of the new compensation package. Pursuant to regulations 12.2, 12.3 and 12.4 of the Staff Regulations, the amendments to the Staff Rules which had been provisionally applied entered into full force and effect on 1 January 2018.

B. Staff recruitment

98. In 2017, the Tribunal recruited staff members for the posts of Deputy Registrar (D-2) and Administrative Assistant (Finance) (G-6).

99. At the end of 2017, recruitment was in progress with respect to the posts of Senior Legal Officer/Head of Legal Office (P-5), Legal Officer (P-3) and Personal Assistant (President) (G-7).

100. A list of the staff members of the Registry as at 31 December 2017 is contained in annex I to the present report.

101. Temporary personnel were recruited to assist the Tribunal during its forty-third and forty-fourth sessions and during the hearings and deliberations in case No. 23.

102. The staff of the Registry consists of 38 staff members, of whom 18 are in the Professional and higher categories. The recruitment of staff members in the Professional category, excluding language staff, is subject to the principle of equitable geographical distribution, in accordance with regulation 4.2 of the Staff Regulations. That regulation provides:

> The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Taking into account the small number of staff in the Registry of the Tribunal, a flexible regional approach has been followed in this regard.

103. The Tribunal has taken steps to ensure that vacancy announcements are disseminated in such a way as to recruit staff on as wide a geographical basis as possible. Information on vacancies is transmitted to the embassies in Berlin of the States parties to the Convention, and to the permanent missions in New York. The information is also posted on the Tribunal's website and published in the press.

104. Although the principle of geographical distribution does not apply to the recruitment of General Service staff, the Tribunal has also made efforts to recruit General Service staff on as wide a geographical basis as possible.

C. Staff Pension Committee

105. Further to the proposal of the Tribunal, the sixteenth Meeting of States Parties decided that a Staff Pension Committee should be established with the following

composition: (a) one member and one alternate member to be chosen by the Meeting; (b) one member and one alternate member to be appointed by the Registrar; and (c) one member and one alternate member to be elected by the staff. The term of office of members and alternates is three years.

106. The twenty-sixth Meeting of States Parties adopted a decision extending the nominations of Indonesia as member and Canada as alternate member of the Committee for a three-year term of office starting on 1 July 2016 (SPLOS/302).

D. Language classes at the Tribunal

107. English and French classes for Registry staff members were held in 2017.

XV. Buildings and electronic systems

A. Building arrangements and new requirements

108. During the forty-third and forty-forth sessions, the Registrar presented reports on building arrangements and the use of the Tribunal's premises. The reports were reviewed by the Committee on Buildings and Electronic Systems with a view to improving the working conditions of the Tribunal.

B. Use of the premises and public access

109. The following events took place on the premises of the Tribunal during 2017:

(a) Symposium on the theme "ITLOS at 20: looking into the future", 18 March 2017;

(b) International Foundation for the Law of the Sea, summer academy, from 23 July to 18 August 2017.

110. In addition, some 2,500 visitors took part in organized tours of the premises of the Tribunal in 2017.

XVI. Library facilities and archives

111. During the forty-third and forty-forth sessions, the Registrar reported on several matters pertaining to the Library, including the collections and an integrated library management system. He also presented reports on the archive collections and databases.

112. A list of donors to the Library is contained in annex II to the present report.

XVII. Publications

113. The status of the Tribunal's publications was reviewed by the Committee on Library, Archives and Publications during the forty-third and forty-forth sessions of the Tribunal.

114. During the period under review, the following volumes were published:

(a) *ITLOS Reports of Judgments, Advisory Opinions and Orders 2016, Vol. 16*;

(b) *ITLOS Pleadings, Minutes of Public Sittings and Documents 2015, Vol. 23*;

(c) *ITLOS Pleadings, Minutes of Public Sittings and Documents 2015, Vol. 24*.

XVIII. Public relations

115. During the period under review, the Committee on Public Relations gave consideration to a set of measures to provide information on the work of the Tribunal, including the preparation of a promotional film on the Tribunal, dissemination of information on the Tribunal, and participation by representatives of the Tribunal in international legal meetings.

116. The Tribunal publicized its work by means of its website, press releases and briefings by the Registry, and through the distribution of its judgments, orders and publications.

117. The website can be accessed at the following addresses: http://www.itlos.org (English) and http://www.tidm.org (French). The texts of judgments and orders of the Tribunal, and verbatim records of hearings, are available on the website, together with other information about the Tribunal.

118. In 2017, judges and Registry staff members also delivered lectures and published papers on the work of the Tribunal.

XIX. Capacity-building activities

119. A number of capacity-building activities relating to the work of the Tribunal continued to be conducted in 2017.

A. Internship programme

120. The internship programme of the Tribunal, which was established in 1997, is designed to give participants the opportunity to gain an understanding of the work and functions of the Tribunal. Funding has been available for applicants from developing countries to assist them in covering the costs incurred for travel to Hamburg and for participation in the programme. The trust fund for the Law of the Sea is currently used to provide financial assistance to interns.

121. As at the end of 2017, a total of 337 interns from 95 States had participated in the programme, with 111 interns benefiting from funding.

122. During 2017, 16 persons from 15 States (Angola, Argentina, Belgium, Brazil, China, France, Germany, India, Morocco, Nigeria, Serbia, South Africa, Tunisia, Ukraine and United States of America) served as interns at the Tribunal.

123. Information on the programme and an online application form are available at the Tribunal's website.

B. Capacity-building and training programme

124. In 2017, for the eleventh time, a capacity-building and training programme on dispute settlement under the Convention was conducted with the support of the Nippon Foundation. The Nippon Foundation Grant was set up in 2007 to provide capacity-building and training to fellows and to assist them in covering the costs incurred by participating in the programme. During the programme, participants attend lectures on topical issues related to the law of the sea and maritime law and training courses on negotiation and delimitation. They also visit institutions working in the fields of law of the sea, maritime law and dispute settlement. At the same time,

participants carry out individual research on selected topics. Information about the programme can be obtained from the Registry or from the Tribunal's website.

125. Nationals of Cyprus, the Democratic Republic of Congo, Egypt, Indonesia, the Russian Federation, Spain, and Trinidad and Tobago are participating in the 2017-2018 programme (July 2017-March 2018).

C. Regional workshops

126. The Tribunal has organized a series of workshops on the settlement of disputes related to the law of the sea in different regions of the world. The purpose of the workshops is to provide government experts working on maritime and law of the sea matters with insight into the procedures for dispute settlement contained in part XV of the Convention, with special emphasis on the jurisdiction of the Tribunal and the procedural rules applicable to cases before the Tribunal.

127. During 2017, a workshop organized by the Tribunal in cooperation with the Government of Costa Rica and with the financial support of the Korea Maritime Institute, was held in San José on 5 and 6 June 2017. The theme of the workshop was "The role of the International Tribunal for the Law of the Sea in the settlement of disputes relating to the law of the sea in the Central American and Caribbean regions". The workshop was attended by representatives of 12 States from the region: Antigua and Barbuda, Bahamas, Belize, Costa Rica, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Panama, Saint Lucia, and Saint Vincent and the Grenadines.

D. Summer academy

128. The International Foundation for the Law of the Sea held the eleventh summer academy at the Tribunal's premises from 23 July to 18 August 2017, on the theme "Promoting ocean governance and peaceful settlement of disputes". A total of 36 participants from 29 countries attended lectures on issues relating to the law of the sea and maritime law. The lectures were given by judges of the Tribunal and the Registrar, as well as by experts, practitioners, representatives of international organizations and scientists.

Annex I

Information on staff (2017)

Professional and higher categories

Name	*Title*	*Country of nationality*	*Level of post*	*Level of incumbent*
Gautier, Philippe	Registrar	Belgium	ASG	ASG
Hinrichs, Ximena	Deputy Registrar	Chile	D-2	D-2
Vacant	Senior Legal Officer/Head of Legal Office		P-5	
Guy, Pauline	Senior Translator/Reviser — Head of Linguistic Services	United Kingdom	P-5	P-5
Savadogo, Louis	Legal Officer	Burkina Faso	P-4	P-4
Mizerska-Dyba, Elzbieta	Head of Library and Archives	Poland	P-4	P-4
Gaba Kpayedo, Kafui	Head of Personnel, Building and Security	Togo	P-4	P-4
Füracker, Matthias	Legal Officer	Germany	P-4	P-4
Gaultier, Leonard	Translator/Reviser (French)	France	P-4	P-4
Ritter, Roman	Head of Budget and Finance	Germany	P-4	P-3
Gbadoe, Alfred	Information Technology Officer	Germany	P-3	P-3
Rostan, Jean-Luc	Translator (French)	France	P-3	P-3
Vacant	Legal Officer		P-3	
*Ritter, Julia	Press Officer	United Kingdom	P-2	P-2
**Jimenez Sanchez, Rosa	Associate Archivist	Spain	P-2	P-2
Buergers-Vereshchak, Svitlana	Associate Administrative Officer (Contributions/Budget)	Ukraine	P-2	P-2
Vorbeck, Antje	Associate Administrative Officer (Personnel)	Germany	P-2	P-2
Burke, Naomi	Associate Legal Officer	Ireland	P-2	P-2

Total posts: 18

* The post of Press Officer is occupied 50 per cent by the incumbent of the post, Ms. Ritter. The remaining 50 per cent is currently occupied by Benjamin Benirschke on the basis of a temporary appointment.

** Ms. Jimenez Sanchez was on special leave until 13 July 2017.

General Service

Name	Title	Country of nationality	Level of post	Level of encumbrance
Bothe, Andreas	Building Coordinator	Germany	G-7	G-7
Egert, Anke	Publications/Personal Assistant (Registrar)	Germany	G-7	G-7
Winkelmann, Jacqueline	Administrative Assistant (Procurement)	Germany	G-7	G-7
Mba, Patrice	Information Systems Assistant	Cameroon	G-7	G-7
Albiez, Berit	Linguistic Assistant/Judiciary Support	Germany	G-7	G-7
Vacant	Personal Assistant (President)		G-7	
Naegler, Thorsten	Finance Assistant	Germany	G-6	G-6
Karanja, Elizabeth	Administrative Assistant	Kenya	G-6	G-6
Koch, Béatrice	Legal Assistant	France	G-6	G-6
Bartlett, Emma	Personnel Assistant	United Kingdom	G-6	G-6
Heim, Svenja	Library Assistant	Germany	G-6	G-6
Rakotomalala, Brigitte	Linguistic Assistant/Judiciary Support	France	G-6	G-6
Gomez Ramirez, Juan	Administrative Assistant (Finance)	Colombia	G-6	G-6
Fusiek, Christoph	Finance Assistant (Accounts Payable)	Germany	G-5	G-5
Marzahn, Inga	Administrative Assistant	Germany	G-5	G-5
Fislage, Sylvie	Personal Assistant (Deputy Registrar)	France	G-5	G-4
Banerjee, Mita	Administrative Assistant	Germany	G-5	G-4
Duddek, Sven	Senior Security Officer/Building Superintendent	Germany	G-4	G-4
Aziamble, Papagne	Administrative Support/Driver	Togo	G-4	G-4
Ntinugwa, Chuks	Security Officer/Driver	Germany	G-3	G-3

Total posts: 20

Annex II

List of donors to the Library of the International Tribunal for the Law of the Sea as at 31 December 2017

Bundesamt für Seeschifffahrt und Hydrographie, Hamburg, Germany

Commission for the Conservation of Antarctic Marine Living Resources, Hobart, Australia

Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations Secretariat, New York

Matusalem Gonçalves Pimenta, Advogados Associados, Rio de Janeiro, Brazil

International Seabed Authority, Kingston

Japan Branch of the International Law Association, University of Tokyo, Faculty of Law, Tokyo

C. Raj Kumar, Vice Chancellor, O P Jindal Global University, National Capital Region of Delhi, India

Seokwoo Lee, Inha University Law School, Incheon, Republic of Korea

Mare, Die Zeitschrift der Meere, Hamburg, Germany

Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, Heidelberg, Germany

Northwest Atlantic Fisheries Organization, Dartmouth, Canada

Walther-Schücking-Institut für Internationales Recht an der Universität Kiel, Germany

World Trade Organization, Geneva